IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.23891 of 2006
CHANDRA BHUSHAN GOSWAMI
Versus
THE STATE OF BIHAR & ORS
---

8 **15.5.2009** This application for quashing of order dated 17.4.2006 passed by the learned Additional Principal Judge, Family Court, Patna, whereby he had directed the petitioner to pay ad interim maintenance was heard and the orders were reserved awaiting decision of a similar issue which had been referred to a Division Bench being Cr. Revision No. 321 of 2008.

The Division Bench decisions in **Raj Kumar Sah Vs. State of Bihar** reported in **2008(4) PLJR 817** has in specific terms held that notwithstanding the Family Court not having been conferred with the power to exercise jurisdiction of a Magistrate of the First Class under Chapter IX Cr.P.C., however, by virtue of section 10(2) of the Family Court Act providing for application of the Code of Criminal Procedure in a proceeding under Chapter IX of the Code before the Family Court and in view of section 19(4) of the Family Court Act a criminal revision would be maintainable against orders passed by the Family Court in application under section 125 Cr.P.C..

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In that view of the matter the petitioner shall be at liberty to convert this application into a criminal revision under section 19(4) of the Family Court Act by 22nd May, 2009.

Spd/- **(Abhijit Sinha, J.)**